

107TH CONGRESS  
2D SESSION

# S. 1931

To amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2002

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. TORRICELLI, Ms. SNOWE, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Colon Cancer Screen  
5 for Life Act of 2002”.

### 6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) colorectal cancer screening tests (as defined  
9 in section 1861(pp) of the Social Security Act (42

1 U.S.C. 1395x(pp)) covered under the medicare pro-  
2 gram have been severely underutilized, with the  
3 Comptroller General of the United States reporting  
4 in 2000 that since coverage of such tests was imple-  
5 mented, the percentage of beneficiaries under the  
6 medicare program receiving either a screening or a  
7 diagnostic colonoscopy has increased by only 1 per-  
8 cent;

9 (2) the Centers for Medicare & Medicaid Serv-  
10 ices should encourage health care providers to use  
11 more effective screening and diagnostic health care  
12 technologies in the area of colorectal cancer screen-  
13 ing;

14 (3) in recent years, the Centers for Medicare &  
15 Medicaid Services has subjected colorectal cancer  
16 screening tests to some of the largest reimbursement  
17 reductions under the medicare program;

18 (4) unlike other preventive screening tests cov-  
19 ered under the medicare program, health care pro-  
20 viders must consult with beneficiaries prior to fur-  
21 nishing a screening colonoscopy in order to—

22 (A) ascertain the medical and family his-  
23 tory of the beneficiary; and

1 (B) inform the beneficiary of preparatory  
 2 steps that must be taken prior to the procedure;  
 3 and

4 (5) reimbursement under the medicare program  
 5 is not currently available for the consultations de-  
 6 scribed in paragraph (4) despite the fact that reim-  
 7 bursement is provided under such program for simi-  
 8 lar consultations prior to a diagnostic colonoscopy.

9 **SEC. 3. INCREASE IN REIMBURSEMENT FOR COLORECTAL**  
 10 **CANCER SCREENING AND DIAGNOSTIC**  
 11 **TESTS.**

12 (a) IN GENERAL.—Section 1834(d) of the Social Se-  
 13 curity Act (42 U.S.C. 1395m(d)) is amended by adding  
 14 at the end the following new paragraph:

15 “(4) ENHANCED PAYMENT FOR COLORECTAL  
 16 CANCER SCREENING AND DIAGNOSTIC TESTS.—

17 “(A) NONFACILITY RATES.—Notwith-  
 18 standing paragraphs (2)(A) and (3)(A), the  
 19 Secretary shall establish national minimum pay-  
 20 ment amounts for CPT codes 45330, 45378,  
 21 45380, 45385 and HCPCS codes GO104,  
 22 GO105, GO106, GO107, GO120, and GO121  
 23 for items and services furnished during the last  
 24 6 months of 2002 and in subsequent years  
 25 which reflect a 10 percent increase above the

1 relative value units in effect as the nonfacility  
2 rates for such codes in 2001, with such revised  
3 payment level to apply to items and services  
4 performed in a nonfacility setting, provided,  
5 however, that such setting is consistent with  
6 quality care, sound medical judgment, and pre-  
7 vention of potential complications.

8 “(B) FACILITY RATES.—Notwithstanding  
9 paragraphs (2)(A) and (3)(A), the Secretary  
10 shall establish national minimum payment  
11 amounts for CPT codes 45330, 45378, 45380,  
12 45385 and HCPCS codes GO104, GO105,  
13 GO106, GO107, GO120, and GO121 for items  
14 and services furnished during the last 6 months  
15 of 2002 and in subsequent years which reflect  
16 a 30 percent increase above the relative value  
17 units in effect as the facility rates for such  
18 codes in 2001, with such revised payment level  
19 to apply to items and services performed in a  
20 facility setting.

21 “(C) ANNUAL ADJUSTMENTS.—In the case  
22 of items and services furnished on or after Jan-  
23 uary 1, 2003, the payment rates described in  
24 subparagraphs (A) and (B) shall, subject to the  
25 minimum payment amounts established in such

1           subparagraphs, be adjusted annually as pro-  
2           vided in section 1848.”.

3           (b) **EFFECTIVE DATE.**—The amendment made by  
4 this section shall apply to items and services furnished on  
5 or after July 1, 2002.

6 **SEC. 4. MEDICARE COVERAGE OF OFFICE VISIT OR CON-**  
7 **SULTATION PRIOR TO A SCREENING**  
8 **COLONOSCOPY OR IN CONJUNCTION WITH A**  
9 **BENEFICIARY’S DECISION TO OBTAIN SUCH A**  
10 **SCREENING.**

11           (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-  
12 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

13           (1) in subparagraph (U), by striking “and” at  
14 the end;

15           (2) in subparagraph (V), by inserting “and” at  
16 the end; and

17           (3) by adding at the end the following new sub-  
18 paragraph:

19           “(W) an outpatient office visit or consultation  
20 for the purpose of beneficiary education, assuring se-  
21 lection of the proper screening test, and securing in-  
22 formation relating to the procedure and sedation of  
23 the beneficiary, prior to a colorectal cancer screening  
24 test consisting of a screening colonoscopy or in con-  
25 junction with the beneficiary’s decision to obtain

1 such a screening, regardless of whether such screen-  
 2 ing is medically indicated with respect to the bene-  
 3 ficiary;”.

4 (b) PAYMENT.—

5 (1) IN GENERAL.—Section 1833(a)(1) of the  
 6 Social Security Act (42 U.S.C. 1395l(a)(1)) is  
 7 amended—

8 (A) by striking “and” before “(U)”; and

9 (B) by inserting before the semicolon at  
 10 the end the following: “, and (V) with respect  
 11 to an outpatient office visit or consultation  
 12 under section 1861(s)(2)(W), the amounts paid  
 13 shall be 80 percent of the lesser of the actual  
 14 charge or the amount established under section  
 15 1848”.

16 (2) PAYMENT UNDER PHYSICIAN FEE SCHED-  
 17 ULE.—Section 1848(j)(3) of the Social Security Act  
 18 (42 U.S.C. 1395w-4(j)(3)) is amended by inserting  
 19 “(2)(W),” after “(2)(S),”.

20 (3) REQUIREMENT FOR ESTABLISHMENT OF  
 21 PAYMENT AMOUNT UNDER PHYSICIAN FEE SCHED-  
 22 ULE.—Section 1834(d) of the Social Security Act  
 23 (42 U.S.C. 1395m(d)), as amended by section 3, is  
 24 amended by adding at the end the following new  
 25 paragraph:

1           “(5) PAYMENT FOR OUTPATIENT OFFICE VISIT  
 2           OR    CONSULTATION    PRIOR    TO    SCREENING  
 3           COLONOSCOPY.—With respect to an outpatient office  
 4           visit or consultation under section 1861(s)(2)(W),  
 5           payment under section 1848 shall be consistent with  
 6           the payment amounts for CPT codes 99203 and  
 7           99243.”.

8           (c) EFFECTIVE DATE.—The amendments made by  
 9           this section shall apply to items and services provided on  
 10          or after July 1, 2002.

11   **SEC. 5. WAIVER OF DEDUCTIBLE FOR COLORECTAL CAN-**  
 12                           **CER SCREENING TESTS.**

13          (a) IN GENERAL.—The first sentence of section  
 14          1833(b) of the Social Security Act (42 U.S.C. 1395l(b))  
 15          is amended—

16               (1) by striking “and” before “(6)”; and  
 17               (2) by inserting before the period at the end the  
 18          following: “, and (7) such deductible shall not apply  
 19          with respect to colorectal cancer screening tests (as  
 20          described in section 1861(pp)(1))”.

21          (b) CONFORMING AMENDMENTS.—Paragraphs  
 22          (2)(C)(ii) and (3)(C)(ii) of section 1834(d) of the Social  
 23          Security Act (42 U.S.C. 1395m(d)) are each amended—

24               (1) by striking “DEDUCTIBLE AND” in the  
 25          heading; and

1           (2) in subclause (I), by striking “deductible or”  
2       each place it appears.

3       (c) EFFECTIVE DATE.—The amendment made by  
4 this section shall apply to items and services furnished on  
5 or after July 1, 2002.

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